

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SIEMENS MEDICAL SOLUTIONS USA,)
INC.,)
)
Plaintiff,)
)
)
v.) C.A. No. 07-190 (SLR)
)
)
SAINT-GOBAIN CERAMICS &)
PLASTICS, INC.,)
)
Defendant.)

**SIEMENS' MOTION FOR SUMMARY JUDGMENT ON
SAINT-GOBAIN'S AFFIRMATIVE DEFENSES AND MOTION TO
STRIKE SAINT-GOBAIN'S FOURTH AFFIRMATIVE DEFENSE**

Pursuant to Fed. R. Civ. P. 26, 37, and 56, plaintiff Siemens Medical Solutions USA, Inc. ("Siemens") hereby moves the Court for an Order striking Saint-Gobain's Fourth Affirmative Defense and granting summary judgment to Siemens that there is no dispute of material fact and that Siemens' is entitled to judgment as a matter of law on each of Saint-Gobain's third, fourth, and fifth affirmative defenses. The grounds for this motion are set forth in Siemens' Brief in Support of its Motion for Summary Judgment on Saint-Gobain's Affirmative Defenses and Its Motion to Strike Saint-Gobain's Fourth Affirmative Defense and the Declaration of Gregg F. LoCascio, P.C., submitted herewith.

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May 9, 2008

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on May 9, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

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I also certify that copies were caused to be served on May 9, 2008 upon the following in the manner indicated:

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